

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Barlean's Organic Oils, LLC,

Case No. 20-mc-11 (NEB/TNL)

Movant,

v.

ORDER

Dahl Administration,

Respondent.

This matter comes before the Court on Movant Barlean's Organic Oils, LLC ("Barlean's") "Motion to Compel Compliance with Subpoenae [sic] Served on Respondent Dahl Administration" (ECF No. 2), seeking compliance with two subpoenas served in connection with *Testone v. Barlean's Organic Oils, LLC*, No. 19-CV-0169, a class action pending in the United States District Court for the Southern District of California.

Barlean's motion was served on a number of attorneys back in January 2020, two of whom, attorneys Paul K. Joseph and Jack Fitzgerald, Barlean's California counsel had prior contact with regarding the subject matter of this motion and held themselves out as counsel for Dahl Administration. (Certificate of Service, ECF No. 8; *see* Aff. of Marilyn K. Jenkins ¶¶ 22-30, ECF No. 4; *see also* Ex. X to Jenkins Aff., ECF No. 4-1 at 78-80.) Barlean's subsequently obtained a hearing date of February 26, 2020, on the motion. (ECF No. 9.) To date, there has been no response from Dahl Administration. Nor has anyone entered an appearance on behalf of Dahl Administration. There being no opposition to the motion, the Court finds that the hearing is unnecessary. *See* D. Minn. LR 7.1(b).

Based on the foregoing, and all of the files, records, and proceedings herein, **IT IS**

HEREBY ORDERED that:

1. The February 26, 2020 hearing (ECF No. 9) is **STRICKEN**.
2. Barlean's "Motion to Compel Compliance with Subpoenae [sic] Served on Respondent Dahl Administration" (ECF No. 2.) is **GRANTED**.
3. Dahl Administration shall comply with the December 4, 2019 subpoenas and produce the lists of class members **within 20 days** from the date of this Order.
4. Such lists shall be designated appropriately under the existing confidentiality order in *Testone*.
5. Failure to comply with any provision of this Order or any other prior consistent Order shall subject the non-complying party, non-complying counsel and/or the party such counsel represents to any and all appropriate remedies, sanctions and the like, including without limitation: assessment of costs, fines and attorneys' fees and disbursements; waiver of rights to object; exclusion or limitation of witnesses, testimony, exhibits and other evidence; striking of pleadings; complete or partial dismissal with prejudice; entry of whole or partial default judgment; and/or any other relief that this Court may from time to time deem appropriate.

Dated: February 21, 2020

s/ Tony N. Leung
Tony N. Leung
United States Magistrate Judge
District of Minnesota

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